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Attorneys for Defendant Triple Crown Sports, Inc.

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

Katlyn Straub,

Plaintiff,

v.

Triple Crown Sports, Inc., a
 Colorado Corporation, TC Sports, Inc., dba
 Triple Crown So Cal, a California Stock
 Corporation, and John Does and Jane Does
 I-X, fictitious individuals, ABC
 Corporations and/or Partnerships and/or
 Sole Proprietorships and/or Joint
 Ventures,

Defendants.

Case No.

(Arizona Superior Court, Mohave County,
 Case No. S8015CV202200712)

NOTICE OF REMOVAL

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT OF THE
 DISTRICT OF ARIZONA:**

PLEASE TAKE NOTICE that Defendant Triple Crown Sports, Inc. ("Defendant"), by and through undersigned counsel, hereby removes this state court action described below from the Superior Court of the State of Arizona in and for the County of Mohave to this United States District Court for the District of Arizona pursuant to 28 U.S.C. §§ 1332(a), 1441(a)-(b) and 1446, Rule 11 of the Federal Rules of Civil Procedure, and D. Ariz. LRCiv 3.6. Defendant provides the following "short and plain statement of the grounds of removal"

pursuant to 28 U.S.C. § 1446(a).

BASIS FOR REMOVAL TO FEDERAL COURT

1. On June 7, 2022, Plaintiff Katlyn Straub (“Plaintiff”) filed a Complaint entitled *Katlyn Straub v. Triple Crown Sports, Inc., a Colorado Corporation, dba Triple Crown So Cal; and John Does I-X and Jane Does I-X, fictitious individuals; ABC Corporations and/or Partnerships and/or Sole Proprietorships and/or Joint Ventures*, Case No. S8015CV202200712, in the Superior Court of the State of Arizona in and for the County of Mohave.

2. On June 16, 2022, Plaintiff served Defendant Triple Crown Sports, Inc. (incorrectly sued as “dba Triple Crown So Cal”). See Affidavit of Service, attached as **Exhibit A**.

3. On June 27, 2022, before Defendant’s Answer to the original Complaint was due¹, Plaintiff filed her First Amended Complaint entitled *Katlyn Straub v. Triple Crown Sports, Inc., a Colorado Corporation; TC Sports Inc., dba Triple Crown So Cal, a California Stock Corporation; and John Does I-X and Jane Does I-X, fictitious individuals; ABC Corporations and/or Partnerships and/or Sole Proprietorships and/or Joint Ventures*, Case No. S8015CV202200712, in the Superior Court of the State of Arizona in and for the County of Mohave.

4. Pursuant to 28 U.S.C. § 1446(a) and LRCiv 3.6(b), true and correct copies of the pleadings served on Defendant Triple Crown Sports, Inc. and filed in the State Court Action are attached hereto as **Exhibit A**.

5. Defendant was served with the First Amended Complaint on July 5, 2022.

6. The State Court Action is removable under 28 U.S.C. § 1332(a)(1) and may

¹ Defendant’s Answer was due on July 5, 2022, pursuant to Ariz. R. Civ. P. 12(a) and 6(a), (c).

1 be removed under 28 U.S.C. § 1441(b).

2 7. Based on the Complaint and First Amended Complaint, Plaintiff is, and at all
3 relevant times was, a resident of Nevada. *See Exhibit A*, Complaint ¶ 1 and First Amended
4 Complaint ¶ 1.

5 8. Defendant Triple Crown Sports, Inc. is, and at all relevant times was,
6 incorporated in Colorado, with a principal place of business in Colorado. *See Exhibit A*,
7 Complaint ¶ 2 and First Amended Complaint ¶ 2. *See also Exhibit B*, Summary from the
8 Colorado Secretary of State.

9 9. Defendant TC Sports, Inc. is, and at all relevant times was, incorporated in
10 California, with a principal place of business in California. *See Exhibit A*, First Amended
11 Complaint ¶ 3. *See also Exhibit C*, Business Search from the California Secretary of State.

12 10. As Plaintiff is, and was at the time she filed the Complaint, a citizen of the
13 State of Nevada, and Defendants are, and were at the time Plaintiff filed the Amended
14 Complaint, citizens of Colorado and California, diversity of citizenship exists between the
15 parties.
16

17 11. Plaintiff asserts that this case falls under Discovery Tier 2. *See Exhibit A*,
18 Amended Complaint ¶ 9. Pursuant to Rule 26.2(c)(3)(C) of the Arizona Rules of Civil
19 Procedure, Discovery Tier 2 is appropriate for actions claiming \$50,000 to \$300,000 in
20 damages.
21

22 12. Plaintiff's Complaint does not contradict the appropriateness of Discovery
23 Tier 2 and alleges past, present, and future personal injuries and damages, physical
24 impairment, mental anguish, loss of wages, loss of work capacity and loss of enjoyment of
25 life. *See Exhibit A*, Amended Complaint ¶¶ 19-20.
26

27 13. Further, prior to filing her Complaint, on August 23, 2021, Plaintiff demanded
28 \$300,000 to settle her claims. Although she noted \$29,419.18 in medical specials, Plaintiff

1 claimed, “Based on the information provided, Katlyn Straub will likely need additional
2 future medical treatment.” *See Exhibit D*, Plaintiff’s demand.

3 14. Based on Plaintiff’s demand for \$300,000 to settle her claims, combined with
4 her pleading that the damages in this case are Tier 2, it is facially evident that Plaintiff has
5 placed an amount in excess of \$75,000 in controversy, exclusive of interest and costs.

6 15. Removal to this Court is appropriate because this action is within the Court’s
7 original jurisdiction pursuant to 28 U.S.C. 1332, by reason of the diversity of citizenship of
8 the parties and the amount in controversy.

9 16. Venue is proper. Plaintiff filed the State Court action in the Superior Court of
10 the State of Arizona in and for the County of Mohave. Venue, therefore, properly lies in the
11 United States District Court for the District of Arizona pursuant to 28 U.S.C. § 1441(a).

12 17. This Notice of Removal is being filed within thirty (30) days after receipt of
13 the initial pleading setting forth the claim for relief in this action, and the time for filing this
14 Notice of Removal pursuant to 28 U.S.C. 1446(b) has not expired. *See* ¶ 2, *supra*; *see also*
15 **Exhibit A**, Affidavit of Service.

16 18. By removing this matter to this Court, Defendant does not waive any available
17 defenses, nor does Defendant admit any allegations made in the State Court Action.

18 19. A copy of this Notice of Removal is being served on Plaintiff’s attorney and is
19 being filed with the Clerk of the Arizona State Court, County of Maricopa.

20 20. This Notice of Removal is signed pursuant to Rule 11, Federal Rules of Civil
21 Procedure, in accordance with 28 U.S.C. § 1446(a) and LRCiv 3.6(a).

22 21. The undersigned certifies to the best of the undersigned’s knowledge,
23 information, and belief, formed after reasonable inquiry, that Defendant’s factual allegations
24 have evidentiary support and its legal contentions are warranted by existing law. The
25 undersigned also certifies that this Notice of Removal is not presented for any improper
26
27
28

purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendant gives notice that the above action is hereby removed in its entirety to this Federal Court, and respectfully requests that this action be placed on the docket of this Court for further proceedings as though it had originally been instituted in this Court.

DATED: July 18, 2022

ZELMS ERLICH & MACK

By: s/ Robert B. Zelms
Robert B. Zelms
Fatima Badreddine
Attorneys for Defendant Triple Crown Sports,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 2022, I electronically filed the foregoing, using the CM/ECF system, which serves CM/ECF participants, and courtesy copies emailed to:

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s/ Julie Rawlings